



January 16, 2002

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## SENATE BILL No. 359

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DIGEST OF SB 359 (Updated January 14, 2002 7:19 PM - DI 47)

**Citations Affected:** IC 2-5; noncode.

**Synopsis:** Public officers compensation commission. Establishes the public officers compensation commission to make recommendations to the general assembly for suitable salaries for public officials.

**Effective:** Upon passage; July 1, 2002.

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### Harrison

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January 8, 2002, read first time and referred to Committee on Rules and Legislative Procedure.  
January 15, 2002, reported favorably — Do Pass.

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SB 359—LS 6935/DI 75+



January 16, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 359

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 2-5-1.5 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2002]:

4 **Chapter 1.5. Public Officers Compensation Commission**

5 **Sec. 1. As used in this chapter, "commission" refers to the**  
6 **public officers compensation commission established by section 5**  
7 **of this chapter.**

8 **Sec. 2. As used in this chapter, "political subdivision" has the**  
9 **meaning set forth in IC 36-1-2-13.**

10 **Sec. 3. As used in this chapter, "public employee" refers to any**  
11 **of the following:**

12 (1) An employee of the state.

13 (2) An employee of a political subdivision.

14 (3) An employee of any other entity whose salary is paid in  
15 any part from funds derived from taxes imposed by the state  
16 or a political subdivision.

17 **Sec. 4. As used in this chapter, "public officer" refers to any of**

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the following:

- (1) A member of the general assembly.
- (2) The governor.
- (3) The lieutenant governor.
- (4) The secretary of state.
- (5) The auditor of state.
- (6) The treasurer of state.
- (7) The attorney general.
- (8) The clerk of the supreme court.
- (9) The state superintendent of public instruction.
- (10) A justice of the supreme court of Indiana.
- (11) A judge of the court of appeals of Indiana.
- (12) A judge of the Indiana tax court.
- (13) A judge of a circuit, superior, probate, or county court.

Sec. 5. The public officers compensation commission is established.

Sec. 6. (a) The commission consists of the following members:

- (1) Two (2) members appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.
- (2) Two (2) members appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.
- (3) Two (2) members appointed by the governor. The members appointed under this subdivision may not be members of the same political party.
- (4) Two (2) members appointed by the chief justice of the supreme court of Indiana. The members appointed under this subdivision may not be members of the same political party.
- (5) One (1) member appointed by the chief judge of the court of appeals of Indiana.

(b) The following may not be a commission member:

- (1) A public officer.
- (2) A public employee.
- (3) An individual who has a pecuniary interest in the salary of a public officer. For purposes of this subdivision, an individual has a pecuniary interest in the salary of a public officer if an increase in the salary of a public officer will result in an ascertainable increase in the income or net worth of the individual.

Sec. 7. (a) The term of a commission member begins on the later of the following:



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(1) July 1 after the member is appointed.

(2) The day the member accepts the member's appointment.

(b) The term of a commission member expires on July 1 of the third year after the year the member's term begins.

(c) A member may be reappointed to serve a new term.

Sec. 8. (a) If there is a vacancy on the commission, the public officer who appointed the member whose position is vacant shall appoint an individual to fill the vacancy.

(b) The member appointed under this section shall fill the vacancy for the remainder of the unexpired term.

Sec. 9. (a) Before July 1 of each year, the chairman of the legislative council shall appoint one (1) member to be chair of the commission.

(b) The member appointed as chair of the commission serves as chair beginning July 1 after appointment.

(c) A member of the commission may be reappointed as chair of the commission.

Sec. 10. Five (5) commission members constitute a quorum. The affirmative votes of at least five (5) commission members are necessary for the commission to take official action other than to adjourn or to meet to hear reports or testimony.

Sec. 11. The commission shall meet at the call of the chair and at other times as the commission considers necessary.

Sec. 12. Each member of the commission is entitled to the following:

(1) The salary per diem provided under IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.

(3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 13. The legislative services agency shall provide administrative support for the commission. At the request of the legislative services agency, the state personnel department or the Indiana judicial center established by IC 33-13-14-2 shall assign staff to provide research and other support to assist the legislative services agency in providing administrative support to the commission.

Sec. 14. The legislative services agency may contract with consultants on behalf of the commission as the commission considers necessary to implement this chapter.



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1       Sec. 15. Except as otherwise provided by this chapter, the  
2       commission is subject to the rules of the legislative council.

3       Sec. 16. The commission shall make reports to the general  
4       assembly as required by this chapter or by the legislative council.

5       Sec. 17. The commission shall meet at least one (1) time not later  
6       than April 1 of each even-numbered year to do the following:

7           (1) Receive information relating to the salaries of public  
8           officers.

9           (2) Consider recommendations for suitable salaries for public  
10          officers.

11          (3) Take testimony relating to the salaries of public officers.

12       Sec. 18. (a) When determining a recommendation for a suitable  
13       salary for a public officer, the commission may consider the  
14       following:

15           (1) The responsibilities of the office.

16           (2) The educational background required or desired for an  
17           individual who holds the office.

18           (3) The skills required or desired for the office.

19           (4) The experience required or desired for the office.

20           (5) The time required or desired to be spent to fulfill the  
21           duties of the office.

22           (6) The opportunity or lack of opportunity that an individual  
23           who holds the office has to earn other income.

24           (7) The salaries paid to government officers in other states  
25           that have comparable duties and authority.

26           (8) The salaries paid to comparable professionals in the  
27           private sector in Indiana and other comparable states based  
28           on the responsibility and discretion required from or desired  
29           in an individual who holds the office.

30           (9) The increase in the cost of living in Indiana since the most  
31           recent increase in the salary of the public officer.

32           (10) The benefits other than salaries provided to public  
33           officers.

34           (11) The ability to attract and retain qualified individuals to  
35           be public officers.

36           (12) The interests and welfare of the public.

37           (13) The financial ability of the state to meet the costs of  
38           salaries recommended by the commission.

39           (14) Other factors the commission considers relevant.

40       (b) The commission may give the weight to the factors described  
41       in subsection (a) that the commission considers appropriate.

42       (c) The commission may make recommendations to the general

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assembly concerning benefits other than salaries.

Sec. 19. (a) The commission shall make written recommendations to the:

(1) legislative council; and

(2) budget committee;

concerning suitable salaries for public officials not later than September 1 of each even-numbered year.

(b) When making recommendations, the commission shall make a separate recommendation, including a recommendation for no adjustment of salary, for each separate public officer listed in section 4 of this chapter.

Sec. 20. A commission recommendation does not take effect unless enacted by the general assembly.

Sec. 21. A bill containing salary adjustments for public officers may not contain salary adjustments both for public officers in the executive branch and for public officers in the judicial branch.

Sec. 22. There is appropriated to the legislative services agency from the state general fund money necessary for the operation of the commission.

Sec. 23. Notwithstanding IC 1-1-1-8, the provisions of this chapter are not severable.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the public officers compensation commission established by IC 2-5-1.5-5, as added by this act.

(b) The appointing authorities shall appoint the commission members not later than July 1, 2002.

(c) Notwithstanding IC 2-5-1.5-7, as added by this act, the term of a commission member appointed under subsection (b) expires as follows:

(1) The term of a member appointed by the speaker of the house of representatives expires as follows:

(A) The term of one (1) member expires July 1, 2005.

(B) The term of one (1) member expires July 1, 2004.

When making an appointment under this subdivision, the speaker shall state, subject to this subdivision, the date when the term of the member expires.

(2) The term of a member appointed by the president pro tempore of the senate expires as follows:

(A) The term of one (1) member expires July 1, 2005.

(B) The term of one (1) member expires July 1, 2004.

When making an appointment under this subdivision, the



1 president pro tempore shall state, subject to this subdivision,  
2 the date when the term of the member expires.

3 (3) The term of a member appointed by the governor expires  
4 as follows:

5 (A) The term of one (1) member expires July 1, 2005.

6 (B) The term of one (1) member expires July 1, 2003.

7 When making an appointment under this subdivision, the  
8 governor shall state, subject to this subdivision, the date when  
9 the term of the member expires.

10 (4) The term of a member appointed by the chief justice of the  
11 supreme court of Indiana expires as follows:

12 (A) The term of one (1) member expires July 1, 2004.

13 (B) The term of one (1) member expires July 1, 2003.

14 When making an appointment under this subdivision, the  
15 chief justice shall state, subject to this subdivision, the date  
16 when the term of the member expires.

17 (5) The term of the member appointed by the chief judge of  
18 the court of appeals of Indiana expires July 1, 2003.

19 (d) Notwithstanding IC 2-5-1.5-7, as added by this act, the term  
20 of a commission member begins the day the member accepts the  
21 member's appointment.

22 (e) This SECTION expires July 1, 2005.

23 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this  
24 SECTION, "commission" refers to the public officers  
25 compensation commission established by IC 2-5-1.5-5, as added by  
26 this act.

27 (b) Notwithstanding IC 2-5-1.5-17, as added by this act, the  
28 commission shall meet at least one (1) time not later than October  
29 1, 2002, for the purposes described in IC 2-5-1.5-17, as added by  
30 this act.

31 (c) Notwithstanding IC 2-5-1.5-19, as added by this act, the  
32 commission shall make the recommendations required by  
33 IC 2-5-1.5-19, as added by this act, not later than December 31,  
34 2002.

35 (d) This SECTION expires January 1, 2003.

36 SECTION 4. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 359, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 359 as introduced.)

GARTON, Chairperson

Committee Vote: Yeas 8, Nays 0.

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